REMARKS

This paper is being presented in response to the final Office Action dated June 15, 2005, wherein (i) claims 1-6, 8-21, 23-44, and 46-55 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Spriggs et al. U.S. Patent No. 6,421,571 ("Spriggs") either taken alone or in view of Forney et al. U.S. Pat. Pub. No. 2002/0067370 ("Forney"), and (ii) claims 7, 22 and 45 have been rejected under 35 U.S.C. §103(a) as being unpatentable over Spriggs in view of Hays et al. U.S. Patent No. 5,855,791 ("Hays"). Reconsideration and withdrawal of the rejections of claims 1-16 and 18-55 are respectfully requested in view of the following remarks.

1.   Summary of the Amendments

By the foregoing amendments, claims 16, 18-26 and 37 have been amended, and claim 17 has been cancelled. More specifically, claim 16 has been amended to incorporate the recitation of cancelled claim 17, which specifies that first data from the first application is made available to the second application implemented by a service provider. Claims 18-26 have been amended to depend from claim 16 rather than cancelled claim 17. Lastly, claim 37 has been amended to more clearly recite what the applicants regard as the invention, in that the application implemented by an outside service provider may be a service application, and that the database may be adapted to provide to the service application data from the database that was sent to the database via another one of the applications. No new matter has been added by this amendment, inasmuch as support can be found, for example, in a number of claims of the application as originally filed.

Despite the foregoing amendments, it is respectfully submitted that this paper fully complies with Rule 116. More specifically, the foregoing amendments raise no new issues because the amendments either result from the cancellation of claim 17 or involve the recitation of subject matter from previously presented claims (e.g., see claims 17 and 27). The applicants therefore respectfully submit that the foregoing amendments require no additional searching and accordingly request that they be entered for consideration.

II.   The 35 U.S.C. §103(a) Rejections Are Traversed

Turning to the claim rejections, all pending claims stand rejected under 35 U.S.C. §103(a) as being unpatentable over Spriggs either taken alone or in view of Forney or Hays. The applicants respectfully traverse these rejections, and the assertions and determinations therein, for at least the following reasons. Applicants respectfully request reconsideration and withdrawal of these rejections.

At the outset, under MPEP §§ 2142 and 2143,

> [t]o establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in. the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

Citing, In re Vaeck, 947 F.2d 488, 20 U.S.P.Q.2d 1438 (Fed. Cir. 1991); *see also* MPEP §2143-§ 2143.03 for decisions pertinent to each of these criteria.

Applicant respectfully submits that no hypothetical combination of Spriggs, Forney, and Hays establishes a *prima facie* case of obviousness of independent claims 1, 16, 27 and 37, and claims 2-15, 18-26, and 38-55 directly or indirectly dependent thereon, for at least the following reason: each of the cited references fails to teach or suggest all of the claim limitations thereof. Generally speaking, each of the independent claims 1, 16, 27 and 37 requires, *inter alia*, making data accessible or available, or providing data, to an application implemented by an outside service provider. For instance, claim 1 requires making data accessible to a service application implemented by an outside service provider, while the method of claim 16, as amended, includes making data available to an application implemented by an outside service provider. Similarly, claims 27 and 37 specify a data communication system having a database adapted to provide data to either an application or a service application implemented by an outside service provider, respectively.

Because each of the cited references lacks the above-identified elements or steps of claims 1, 16, 27, and 37, no combination of Spriggs, Forney, and Hays teaches or suggests the methods of claims 1 and 16 or the systems of claims 27 and 37 or, by implication, the methods and systems specified by the claims dependent thereon.

The base reference, Spriggs, fails to disclose or suggest making data accessible to an application implemented by an outside service provider. Spriggs is directed to asset management systems and, specifically, a unified display environment for management of different types of plant machinery. But even if Spriggs teaches the acquisition and display of information from different data sources within the plant, Spriggs fails to disclose making data available to an application implemented by an outside service provider. Rather than providing the information to an application implemented by an outside service provider, Spriggs focuses on a unified display environment or interface for users attempting to monitor machine asset conditions, and for other internal purposes such as training and alarming. Thus, the teachings of Spriggs are limited to data acquisition and interface displays. For this reason, Spriggs neither discloses nor suggests the desirability of making data accessible, or providing data, to an application implemented by an outside service provider.[1]

It is respectfully submitted that Forney fails to cure the deficiency of Spriggs. Like Spriggs, Forney is directed to displays of process control information. Using a portal server approach, Forney enables such process control information displays to be tailored to various individuals with differing roles. While the portal server approach of Forney supports gathering data from different sources, Forney's focus on data gathering fails to address or suggest the desirability of making data accessible to an application implemented by an outside service provider.[2]

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[1] The applicants further traverse the assertion of the examiner that "Spriggs teaches providing data sources including service applications from an outside (third-party) service provider" (Final Office Action, page 3). Contrary to the assertion of the examiner, the cited portion of Spriggs does not refer to a service application as a data source, but rather control and automation systems (see Spriggs, col. 6, line 62 – col. 7, line 15).

[2] The applicants respectfully submit that the references to "service" in the cited portions of Forney are not related to an outside service provider, but rather a web service handler for handling a different data type or source (see Forney, paragraph [0347]). Furthermore, the reference to "third parties" is directed to system manufacturers of the data sources rather than an outside service provider.

Hays also fails to cure the deficiency of Spriggs. Instead, Hays was cited in connection with the recitation of a corrosion monitoring application in claims 7, 22 and 45 and, in fact, is directed to a control system for a cooling system.

Turning to the "Response to Arguments" portion of the final Office action, the applicants respectfully traverse the position that a modification to Spriggs would be obvious in view of past use of outside service providers. More specifically, the applicants respectfully submit that past use of outside service providers fails to suggest modifying Spriggs to make data accessible to an application implemented by an outside service provider. The position taken in the final Office Action is also apparently based on the assertion that Spriggs is directed to integrating all plant data into a single graphical user interface. In response, the Applicants submit that, even if a single user interface is the objective of Spriggs, and even if outside service providers have been used to implement service or other applications, there is still no suggestion or motivation in any of the cited references regarding providing data to an application implemented by an outside service provider. On the contrary, both Spriggs and Forney are focused on a different subject, i.e., the gathering of information from different data sources for display of such information via an interface. Neither reference addresses the role played by outside service providers or the applications implemented thereby, much less whether making data accessible to such applications would be desirable. Indeed, neither reference even mentions outside service providers.

The applicants further respectfully submit that the section of the present application cited by the examiner does not provide a suggestion or motivation to modify Spriggs. Rather, the present application notes that the testing and other tasks performed by outside service providers are generally performed without data sharing (see page 5, lines 15-21). More specifically, "the data is typically collected and stored in a proprietary manner" by the outside service provider (see page 5, lines 19-20). This separate, proprietary approach teaches away from modifying the interface disclosed by Spriggs to support both plant personnel and an application implemented by an outside service provider. Thus, despite the past use of outside service providers, the cited references fail to suggest a modification of Spriggs to make data accessible to an application implemented by an outside service provider.

It is clear that the prior art must make a suggestion of or provide an incentive for the claimed combination of elements to establish a *prima facie* case of obviousness. See, *In re Oetiker*, 977 F.2d 1443, 24 U.S.P.Q.2d 1443, 1446 (Fed. Cir. 1992); *Ex parte Clapp*, 227 U.S.P.Q. 972, 973 (Bd. Pat. App. 1985). Because each of Spriggs, Forney, and Hays fails to disclose or suggest making data accessible or available to, or providing data to, an application implemented by an outside service provider, as required by claims 1, 16, 27, 37 and those depending therefrom, it follows that no combination of these references can render any of the pending claims obvious.
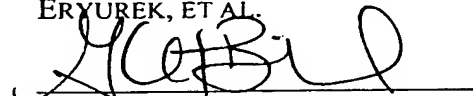
III.   Conclusion

Applicants have now made an earnest attempt to place this case in condition for immediate allowance. For the foregoing reasons and for other reasons clearly apparent, Applicants respectfully request reconsideration and allowance of claims 1-55.

If there are matters that can be discussed by telephone to further the prosecution of this application, Applicants respectfully request that the Examiner call their attorney at the number listed below.

Respectfully submitted,

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